

REMARKS

Applicant wishes to thank the Examiner for the attention accorded to the instant application, and respectfully requests reconsideration of the application as amended.

Formal Matters

Claims 1-14 are currently pending in the application, and all claims are amended to more clearly recite the invention and to make minor editorial corrections. In particular, the phrase "information of goods owned by said user" is replaced with "user-owned-goods-data", and the phrase "the goods carried by the user" is replaced with "in-hand user goods". The phrase "goods" is amended to be "user owned goods" throughout the claims and corrections are made for antecedent basis. No new matter has been added.

Applicant thanks the Examiner for acknowledging review and consideration of the references cited in the Information Disclosure Statement (IDS) filed on November 17, 2003. Applicant respectfully requests that the Examiner review and consider the references cited in the three IDSs filed on March 10, 2008.

Specification

A substitute specification in proper idiomatic English and in compliance with 37 CFR 1.52(a) and (b) is submitted herewith. No new matter has been added.

Rejection of Claims under 35 U.S.C. §112

Claims 1-14 are rejected under 35 U.S.C. §112, second paragraph, as indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. As discussed above, claims 1-14 are amended to remove grammatical

and idiomatic errors and to more clearly recite the invention. Applicant respectfully requests that this rejection be withdrawn.

Rejection of Claims Under 35 U.S.C. §102

Claims 1-14 are rejected under 35 U.S.C. § 102(e) as anticipated by Bednarek, U.S. Patent No. 6,965,868. This rejection should be withdrawn based on the comments and remarks herein.

Among the problems recognized and solved by Applicant's claimed invention is the need for a system that enables real time market information to be reflected in advertisements. Applicant's inventive solution is a system and method for acquiring information about goods owned by a user, including goods that the user is currently wearing and/or carrying. This information can be acquired in real time, providing real time data usable by advertisers for market analysis. With this information, the advertisers can offer up-to-date articles or goods to users.

The Examiner contends that Bednarek teaches portable terminal means for transmitting a profile of a user and user-owned-goods-data, i.e., information of goods owned by the user, because Bednarek teaches "a more economical and portable way of providing an electronic directory is provided through the use of personal digital communication devices, such as digital cellular phones, which are currently becoming ubiquitous" (column 65, lines 5-8). Applicant respectfully disagrees. Bednarek's electronic directory, provided using devices such as digital cell phones, can be used to promote selected merchants (which should be understood as encompassing merchants, vendors and service providers) (column 21, lines 56-59). Bednarek does not transmit information about goods owned by the user. Bednarek does not disclose or

teach “information of goods owned by the user” or user-owned-goods-data transmitted by a portable terminal means.

Bednarek also does not teach coordination means for providing an example of a combination of the user owned goods using the profile of the user and the user-owned-goods-data, as recited in independent claims 1, 9, and 10. As discussed above, Bednarek does not teach user-owned-goods-data. Bednarek does not teach or disclose an example of a combination of the goods. Bednarek merely mentions matching customer needs to products (column 10, lines 42-43) and does not disclose coordination means. Thus Bednarek does not anticipate the present invention because Bednarek does not disclose each feature of the present invention.

It has been held by the courts that “Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim.” *Lindemann Maschinenfabrik GMBH v. American Hoist and Derrick Company et al.*, 730 F.2d 1452, 221 USPQ 481 (Fed. Cir. 1984). As illustrated above, Bednarek does not disclose user-owned-goods-data transmitted by a portable terminal means, and also does not disclose coordination means, so that Bednarek does not disclose every feature of the invention as recited in independent claims 1, 9 and 10. Consequently, these claims are not anticipated by the art of record in the application.

Claims 2-8 depend from claim 1 and claims 11-14 depend from claim 10, so that these dependent claims are not anticipated for at least the reasons that their base claims are not anticipated. Hence, withdrawal of this rejection is respectfully requested.

Conclusion

In light of the foregoing, Applicant respectfully submits that all pending claims recite patentable subject matter, and kindly solicits an early and favorable indication of allowability. If the Examiner has any reservation in allowing the claims, and believes a telephone interview would advance prosecution, he is kindly requested to telephone the undersigned at his earliest convenience.

Respectfully Submitted,



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